

DIVISION OF AGRICULTURAL  
ENVIRONMENTAL SERVICES  
BUREAU OF LICENSING AND ENFORCEMENT  
(850) 617-7947  
(850) 617-7850  
(850) 617-7967 FAX



REDACTED

THE CONNER BUILDING, NO. 8  
3125 CONNER BOULEVARD  
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

December 1, 2015

Duda Farm Fresh Foods  
Attn: Ms. Jean Hammill, Safety Officer  
P.O. Box 2015  
Belle Glade, Florida 33430

On October 16, 2014, the Department of Agriculture and Consumer Services ("Department"). Bureau of Inspection and Incident Response, initiated an investigation in response to your report of pesticide exposure. In the report, you stated that twelve members of an agricultural work crew had been transported to the hospital, following an aerial exposure of Baythroid.

Information obtained, during the investigation indicated, that your firm contracted your aerial pesticide application to Thomas R. Summersill, Inc, of Belle Glade. This firm functions under the executive management of Mr. Thomas Summersill, President.

During the investigation, the Department documented the use of the restricted-use pesticide, **Baythroid XL**, EPA Reg. No. **264-840**, Sample Number **102214 4092 0101**.

On October 16, 2014, from 9:00 AM to 9:45 AM, Mr. Jeff Summersill, pesticide applicator employed by Thomas R. Summersill, Inc. made an aerial application of **Baythroid XL** to approximately one hundred-twelve acres of radish, on Blocks # 3 to # 11, at State Unit D Field, for control of cutworms.

*Exemption 6 Personal Privacy*

During the investigation, Farm Manager, stated that the work crew was originally assigned to State Unit F Field but weather events, which occurred during the previous night created soil conditions that prohibited planting; the work crew was moved to State Unit G Field on the morning of October 16, 2014.

4. DOC I.D. NO. **102214 4092 0101**  
Brand Name: **Baythroid XL**  
EPA Reg. No.: **264-840**  
EPA Est. No.: **264-MO-003**  
AI: **Cyano**  
Lot/Batch #: **NKKIDX2324 AC344**  
State Registered: **Yes** Discontinued? **N** Discontinued Date: **N/A**  
Comments from label review: **RUP**  
Violation: **DCS - Application of pesticides in such a manner  
that favored drift to workers, other persons**  
Registrant: **Bayer CropScience, LP, P.O. Box 12014, 2 T.W. Alexander Drive,  
Research Triangle Park, NC 27709**

Recommend: **ADF to Thomas R. SummersIII, Inc;  
cc: Duda Farms;  
cc: Martinez & Sons Trucking, LLC**

REDACTED

Duda Farm Fresh Foods  
Page Two

During the investigation, Mr. Jeff Summersill stated that upon arrival at the proposed treatment site, he was surprised to find workers in the State Unit G Field, as the presence of workers in close proximity to the proposed treatment site had not been communicated to him. Mr. Summersill stated that as his aircraft was loaded with 555 gallons of pesticide mix, from a safety perspective, landing the loaded aircraft would have been a dangerous alternative. Mr. Summersill stated that after circling the area and having no one wave him off, he established a buffer zone, comprised of approximately 500 feet of untreated crop, and began the application.

Exemption 6 Personal Privacy  
Immediately after the alleged exposure, convened with the labor pool foreman and members of the work crew. The workers were transported to the Lakeside Medical Center Emergency room for care.

Of the fifty workers present at the work site, thirteen workers expressed a range of symptoms, consistent with pesticide exposure. Of the thirteen workers, eleven were released from care within two hours; two workers were released the following morning and with one exception, all affected workers returned to their duties.

During the investigation, the Department collected soil samples, from various locations within State Unit G Field, to test for the presence of the formulated ingredients of **Baythroid XL**. The enclosed Pesticide Analysis Reports regarding those samples indicated that active ingredient of **Baythroid XL** was not detected. However, levels of Azoxystrobin, Chlorantraniliprole, Clothianidin, Dicamba, Imidacloprid, and Pyraclostobin were detected. The presence of the aforementioned active ingredients is consistent with pesticide use on agricultural property.

However, the Florida Department of Health ("FDOH") conducted an independent investigation regarding the alleged pesticide exposure. The results of the November 16, 2015 FDOH report indicated that thirteen members of the work crew met the case definition for acute pesticide-related illness and injury.

Duda Farm Fresh Foods  
Page Three

If you have any questions or wish to discuss this matter, please contact this office at  
(850) 617-7880.

Sincerely,

George W. Hayslip, Environmental Administrator  
Pesticide Enforcement Section

GWH/ca

Enclosure

cc: Mrs. Patricia A. Lucas  
Dr. Davis H. Daiker

*Exemption 6 Personal Privacy*

Mr. Luis E. Amador  
– Martinez & Sons Trucking, LLC  
Dr. Prakash Mulay - Florida Department of Health  
Mr. Jeffrey T. Summersill - Thomas R. Summersill, Inc  
Mr. Thomas R. Summersill - Thomas R. Summersill, Inc

File Name: Thomas R. Summersill, Inc

File No.: 114-223-4092 CA